

Message Text

LIMITED OFFICIAL USE

PAGE 01 MANAGU 03986 242025Z

66

ACTION ARA-10

INFO OCT-01 ISO-00 L-03 SS-15 SP-02 SCA-01 PA-01 PRS-01

USIA-06 ORM-02 DHA-02 CIAE-00 INR-07 NSAE-00 (ISO) W

----- 111943

R 241730Z AUG 76

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC 936

INFO AMEMBASSY GUATEMALA

AMEMBASSY MEXICO

AMEMBASSY PANAMA

AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA

LIMITED OFFICIAL USE MANAGUA 3986

E.O. 11652: N/A

TAGS: PFOR, CU, NU

SUBJECT: ASYLUM: FSLN REVOLUTIONARIES AND OTHERS SEEKING ASYLUM

REF: (A) 2 FAM 228, FBIS AUGUST 192254, (B) MANAGUA 3919

SUMMARY: SEVERAL RECENT REQUESTS BY FSLN MEMBERS FOR ASYLUM IN LOCAL EMBASSIES RAISES QUESTION OF OUR POLICY RE ASYLUM AND TEMPORARY REFUGE. DEPT GUIDANCE IS REQUESTED. END SUMMARY.

1. AUG 20 NOVEDADES REPORTS ASYLUM GRANTED BY LOCAL PAN-AMANIAM EMBASSY TO ARMED MEMBER FSLN, EXTREME LEFTIST GUERRILLA MOVEMENT. ACCORDING TO NEWSPAPER REPORTS, THIS BRINGS TO FIVE THE NUMBER OF FSLN MEMBERS IN ASYLUM IN LOCAL EMBASSIES: ONE IN PANAMANIAM EMBASSY (AN EARLIER ASYLEE VOLUNTARILY LEFT) AND FOUR IN MEXICAN EMBASSY. GON FOREIGN MINISTRY HAS NOT GRANTED SAFE CONDUCT FOR ANY OF THESE ASYLEES. ALTHOUGH EMB BELIEVES IT IS UNLIKELY FSLN WOULD SEEK ASYLUM IN U.S. EMB, THIS POTENTIAL EXISTS PERHAPS AS STRATEGY TO EMBARRASS EITHER USG OR GON.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MANAGU 03986 242025Z

2. ASYLUM REQUEST, IF IT WERE MADE, WOULD PRESUMABLY COME FROM NICARAGUAN OR THIRD-COUNTRY NATIONAL CLAIMING IMMEDIATE DANGER OF DEATH OR DETENTION BY GON NATIONAL GUARD (GN) FOR POLITICAL BELIEFS. IN FACT, FSLN MEMBERS OR SUPPORTERS WOULD BE SUBJECT TO DETENTION, INTERROGATION AND LEGAL PROCEDURES UNDER MARTIAL LAW IMPOSED FOLLOWING SUCCESSFUL FSLN ARMED BREAK-IN AT HIGH SOCIETY PARTY IN 1974. AT THAT TIME SEVERAL PERSONS WERE KILLED AND GON WAS FORCED TO RELEASE FSLN CAPTIVES, PAY RANSOM AND FLY FSLN MEMBERS TO CUBA TO SECURE RELEASE OF THE HOSTAGES. MOST OF FSLN MEMBERS WHO PARTICIPATED IN THIS TERRORIST ACT AND THE RELEASED FSLN DETAINEES HAVE SUBSEQUENTLY RETURNED TO NICARAGUA TO RESUME THEIR GUERRILLA ACTIVITIES.

3. EMB BELIEVES IT UNLIKELY THAT CIRCUMSTANCES WOULD ARISE WHICH WOULD JUSTIFY TEMPORARY REFUGE, E.G., PURSUIT BY A MOB (2 FAM 228.3). MORE LIKELY POSSIBILITY WOULD BE PURSUIT BY GN OR POLICE. FSLN REFERS TO ITSELF AS ENGAGED IN WAR OF NATIONAL LIBERATION AND MEMBERS APPARENTLY SEEK TREATMENT AS PRISONERS OF WAR IF CAUGHT, WHICH UNDER MARTIAL LAW IS TREATMENT THEY RECEIVE (SEE REFTEL B).

4. 2FAM 228 DOES NOT APPEAR TO SPECIFICALLY COVER ABOVE CONDITIONS OTHER THAN TO REQUEST NOTIFICATION TO DEPT OF ASYLUM REQUESTS - WHICH WOULD NOT APPLY IN CASES WE WOULD FORESEE UNLESS TEMPORARY REFUGE FIRST WERE GRANTED.

5. DEPT IS REQUESTED TO ADVISE WHETHER TEMPORARY REFUGE WOULD BE APPROPRIATE IN CASE OF ASYLUM REQUEST BY SELF-IDENTIFIED NICARAGUAN OR THIRD-COUNTRY FSLN MEMBER PURSUED BY GN OR LIKELY TO BE DETAINED BY GN IF REFUSED TEMPORARY REFUGE. EMB OPINION IS THAT SUCH REFUGE WOULD BE INAPPROPRIATE.

6. A MORE DIFFICULT CASE WOULD ARISE IF NICARAGUAN, THIRD-COUNTRY, OR U.S. NATIONAL SHOULD ASK FOR REFUGE OR ASYLUM, CLAIMING GN LIKELY TO ARREST HIM AS FSLN SUSPECT OR FOR SOME OTHER ALLEGED POLITICAL ACTIVITY. ANY GENERAL ADVICE FROM DEPT RE HANDLING SUCH CASES ALSO WOULD BE APPRECIATED.

THEBERGE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL ASYLUM, POLICIES
Control Number: n/a
Copy: SINGLE
Draft Date: 24 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MANAGU03986
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760324-0048
From: MANAGUA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760826/aaaaavve.tel
Line Count: 99
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 MANAGUA 3919
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 03 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 MAY 2004 by GarlanWA>; APPROVED <03 MAY 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ASYLUM: FSLN REVOLUTIONARIES AND OTHERS SEEKING ASYLUM
TAGS: PFOR, CU, NU, US, FSLN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006